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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/535,370      | 05/18/2005  | Wolfgang Buhr        | DE02 0274 US        | 1614             |

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| EXAMINER |
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KHUU, HIEN DIEU THI

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| ART UNIT | PAPER NUMBER |
| 2863     |              |

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/535,370

Applicant(s)

BUHR, WOLFGANG

Examiner

Cindy D. Khuu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/18/05</u>   | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### *Specification Objections*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

The disclosed specification is objected to because it cites symbols, "[ and ]", (Page 1, lines 10-11, 19, and 25; Page 2, lines 10 and 33; Page 3, lines 28-30 and 32; Page 4, lines 11 and 29; Page 6, line 13; Page 7, lines 2 and 8). Correction is required.

### *Arrangement of the Specification*

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC  
(See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### ***Drawings Objection***

Figure 1 objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: c22d. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid

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abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claims 1, 4, 6 and 8 are objected to because of the following informality: The symbols "[" and "]" need to take out. Correction is required.

Claim 7 is objected to because of the following informality: The words "one-off" (line 6) and "i.e." are improper. Correction is required.

Claims 5 and 10 are objected to because of the following informality: Claims 5 and 10 appear to claim similar limitations and both dependent on claim 1. Correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 6-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

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With respect to claims 6-9, the methods have not shown to produce a useful, concrete, and tangible result. The encryption and decryption of data is not a physical transformation nor does it show the results being used in any tangible manner.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kocher et al. (US 6,289,455).

With respect to claim 1, Kocher discloses a circuit arrangement for electronic data processing having at least one non-volatile memory (265; Column 21, lines 12-15) module for storing data to be protected against unauthorized access by means of encryption or decryption (260; Column 20, lines 10-20); having at least one memory module interface logic circuit (260) assigned to the memory module for addressing the memory module and for writing the data to the memory module or for reading out the data from the memory module (260, 240, and 235); having at least one code R[ead]O[nly]M[emory] module (245 or 255) for storing and/or supplying at least one R[ead]O[nly]M[emory] code (Column 9, lines 33-36); and having at least one code ROM module interface logic circuit (235) assigned to the code ROM module for addressing the code ROM module and for reading out (240) the ROM code from the code ROM module (Column 9, lines 30-40), characterized in that at least one key code for encrypting or decrypting the data

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assigned to the memory module may be extracted and/or generated from the at least one ROM code of the code ROM module (Column 10, lines 37-47).

With respect to claim 2, Kocher further discloses a circuit arrangement characterized in that the memory module interface logic circuit comprises at least one en-/decryption logic circuit (260) having at least one key address generation unit and having at least one key register (Column 16, lines 50-60).

With respect to claim 3, Kocher further discloses a circuit arrangement characterized in that the code ROM module interface logic circuit comprises at least one multiplexing unit (Column 9, line 3).

With respect to claim 4, Kocher further discloses a circuit arrangement characterized in that the memory module takes the form of at least one E[lectrical]E[rasable] P[rogrammable]R[ead]O[nly]M[emory] (255) or at least one Flash memory (Column 25, line 61).

With respect to claims 5 and 10, Kocher further discloses at least one circuit arrangement, comprising a microcontroller (235), in particular an "embedded security controller" (Column 21, lines 7-10).

With respect to claim 6, Kocher further discloses a method of encrypting or decrypting data to be protected against unauthorized access in at least one non-volatile memory module (256), characterized in that the data assigned to the memory module are encrypted or decrypted by means of at least one ROM code (Column 9, lines 30-40) supplied by at least one code R[ead]O[nly]M[emory] module (245; Column 10, lines 37-47).

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Tomlinson (US 2003/0044018).

With respect to claim 6, Tomlinson discloses a method of encrypting or decrypting data to be protected against unauthorized access in at least one non-volatile memory module (38; Paragraph 41), characterized in that the data assigned to the memory module are encrypted or decrypted by means of at least one ROM code (Paragraph 41, line 4) supplied by at least one code R[ead]O[nly]M[emory] module (36; Paragraph 41).

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**Conclusion**

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Dariel (US 2004/0030907), Hazard (US 2003/0098775) and Buhr (US 20040128458).


**Fax/Telephone Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy D. Khuu whose telephone number is (571) 272-8585. The examiner can normally be reached on M-F, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

all 5/1/06

  
MICHAEL NGHIEM  
PRIMARY EXAMINER